

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	28-Jul-08	APPL. S. N:	10807393
To Examiner:	WORKU, NEGUSHIE	Art Unit	2625
From	Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

The T.D. is PROPER and has been recorded (see 14.23).

The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):

- The TD fee of [REDACTED] has not been submitted nor is there any authorization in the application file for the use of a deposit account
- The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
- The T.D. lacks the enforceable only during common ownership clause - needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
- The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
- The person who signed the T.D.:
 - is not an attorney "of record" (see 14.29 and 14.29.01).
 - has failed to state his/her capacity to sign for the business entity (see 14.28).
 - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
- No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
- The T.D. is not signed (see 14.26 & 14.26.03).
- The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
- The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
- The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
- Other: [REDACTED]
- Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date: _____

Application Number 	Application/Control No. 10/807,393	Applicant(s)/Patent under Reexamination KATO, TOKUNORI
Document Code - DISQ		Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : June 18, 2008	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:

Henry D. Jefferson

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Tokunori KATO

Application No.: 10/807,393

Filed: March 24, 2004

For: DATA PROCESSING DEVICE, FACSIMILE MACHINE HAVING DATA PROCESSING
FUNCTION, AND COMPUTER PROGRAM



Group Art Unit: 2625

Examiner: N. WORKU

Docket No.: 119249

TERMINAL DISCLAIMER--COPENDING APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Brother Kogyo Kabushiki Kaisha, represents that it is the owner of a 100% interest in the above-captioned patent application by virtue of an Assignment filed March 24, 2004 and recorded at Reel 015136, Frame 0587. The undersigned also certifies that he is empowered to execute this Terminal Disclaimer on behalf of the assignee.

Your Petitioner hereby disclaims the terminal part of the statutory term of any patent granted on the above-captioned application, which would extend beyond the expiration of the full statutory term as presently shortened by any Terminal Disclaimer, of any U.S. Patent to issue on copending U.S. Patent Application No. 10/807,233 and hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the legal title to said U.S. Patent shall be the same as the legal title to any patent issuing from the above-captioned application, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-captioned application prior to the expiration of the full statutory term as presently shortened by any Terminal Disclaimer of said U.S. Patent in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any Terminal Disclaimer.

Date: May 14, 2008

Signature of Officer of Owner:

Typed Name of Officer:

Toshikazu KOIKE

Title of Officer:

Representative Director & President

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In re the Application of

Tokunori KATO

Group Art Unit: 2625

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For: DATA PROCESSING DEVICE, FACSIMILE MACHINE HAVING DATA
PROCESSING FUNCTION, AND COMPUTER PROGRAM

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is a Terminal Disclaimer for the above identified patent application.

Check No. 206834 in the amount of \$130 to cover the fees due upon filing is attached. The
Commissioner is hereby authorized to charge any other fees that may be required to complete
this filing, or to credit any overpayment, to Deposit Account No. 15-0461.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Jesse O. Collier
Registration No. 53,839

JAO:JOC/ldg

Date: June 18, 2008

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**DEPOSIT ACCOUNT USE
AUTHORIZATION**
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461